IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.9555 of 2003

Shireen Sethna Petitioner
Vs.
The New India Assurance Co.Ltd. & ors. Respondents

Mr.Mohan Pungalia with Mr.Y.N. Andiya for petitioner.

CORAM: B.H.MARLAPALLE & NARESH H.PATIL,JJ.

September 27, 2006.

P.C.

. Heard Mr.Pungalia, the learned counsel for the petitioner - tenant who is aggrieved by the order dated 14th March 2002 passed by the learned Principal Judge of the City Civil Court thereby dismissing as not maintainable Misc. Appeal Stamp No.31 of 1999.

. The Estate Officer in Eviction Case No.007 and 007-A of 1995 had directed the eviction of the disputed premises i.e. Flat No.1 and garage from the building known as Mayfair House, Little Gibbs Road, Malbar Hill, Mumbai and directed them i.e. the tenants to hand over the vacant possession of the premises. This order was challenged in Misc. Appeal No.51 of 1999 and the appeal was allowed by the very same lower appellate Court by its order dated 13/9/2000. Therefore, the learned Principal Judge in

the instant case took the view that when the order appealed against itself was set aside, challenge to the said order subsequently could not be entertained even at the instance of the party who had not filed the earlier appeal. We do not find any patent error or perversity in this order.

. We have noted that the order dated 13/9/2000 allowing Misc. Appeal No.51 of 1999 is subject matter of challenge in Writ Petition No.151 of 2001 which is pending before this Court and the purpose of the present petitioner would be served if he files an application in the said pending petition for being impleaded as an additional respondent.

. Hence the petition is rejected with liberty to the petitioner to apply for being added as an additional respondent in Writ Petition No.151 of 2001.

(NARESH H. PATIL,J.) (B.H.MARLAPALLE